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4 BILL NO. S-77-04-23

88-77

5 SPECIAL ORDINANCE NO. S-77-88

6 AN ORDINANCE authorizing the sale and
7 execution of a deed to Ellison Bakery,
Inc., of certain real estate owned by the
City of Fort Wayne, Indiana.

8
9 WHEREAS, the City of Fort Wayne, Indiana, is the owner
10 of certain real estate in Fort Wayne, Indiana, described as
11 follows, to-wit:

12 A part of the Southeast Quarter of the Southeast
13 Quarter of Section 5, Township 29 North, Range
14 12 East, in Allen County, Indiana: commencing
15 at the southwest corner of the Southeast Quarter
16 of the Southeast Quarter of said Section 5; thence
17 North 89 degrees and 8 minutes West, a distance
18 of 1050.0 feet, along the south line of the
19 Southeast Quarter of the Southeast Quarter of said
20 Section 5, which is the centerline of Ferguson
21 Road, to a point, for the point of beginning;
22 thence North 1 degree and 41 minutes West, a
23 distance of 679.3 feet, to the centerline of "C"
24 Street; thence North 88 degrees and 11 minutes
25 East, a distance of 15.0 feet, along the center-
line of said "C" Street; thence South 1 degree
41 minutes East, a distance of 679.6 feet, to
the centerline of said Ferguson Road; thence
South 89 degrees and 8 minutes West, a distance
of 15.0 feet, along the centerline of said
Ferguson Raod to the point of beginning; the
area of which is 0.234 Acres more or less, subject
to rights of way along Ferguson Raod and "C" Street;

26 and

27 WHEREAS, said real estate constitutes a fifteen (15) foot
wide strip along the east boundary line of real estate owned
28 by Ellison Bakery, Inc., and Ellison Bakery, Inc., has requested
that it be permitted to purchase said strip to enable it to
increase the size of its facilities on its adjacent property; and

29 WHEREAS, the Board of Aviation Commissioners has determin-
30 ed that said described real estate is not needed by the City of
31 Fort Wayne and on February 24, 1977, at a regularly called meeting
32 of said Board, said Board authorized the sale of said described
33 real estate to Ellison Bakery, Inc., subject to payment of not less
34 than the appraised value thereof and subject also to the approval
35 of said sale by the Common Council of the City of Fort Wayne, Indiana;
and

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

WHEREAS, the appraised value of said described real estate is \$5,850.00 and it is in the best interests of the City of Fort Wayne, Indiana, to sell said described real estate for a sum not less than the appraised value thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sale by the City of Fort Wayne, Indiana, of the above described real estate for not less than its appraised value of \$5,850.00 to Ellison Bakery, Inc., be and hereby is authorized and approved.

SECTION 2. That the Mayor of the City of Fort Wayne be, and he hereby is, authorized and directed, in the name of and for and in behalf of the City of Fort Wayne to execute a Deed to Ellison Bakery, Inc., for the parcel of real estate herein above described upon payment by Ellison Bakery, Inc. of the sum of \$5,850.00, such Deed to be in the form of a Warranty Deed and to be subject to the terms and conditions as shall be considered necessary or advisable in the best interests of the City of Fort Wayne. The signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne and shall be accompanied by the seal of said City.

SECTION 3. That proceeds of such sale shall be deposited in the Aviation Fund of the City of Fort Wayne.

SECTION 4. This Ordinance shall be and constitute sufficient authority for the Mayor and the City Clerk of the City of Fort Wayne to execute such a Deed and to do all things incidental thereto or necessary therefor.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage.

William Tonga
Councilman

Read the first time in full and on motion by Hunga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 4/26/77

Charles W. Blitzenauer
CITY CLERK

Read the third time in full and on motion by Hunga, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>			
<u>BURNS</u>	<u>✓</u>				
<u>HINGA</u>	<u>✓</u>				
<u>HUNTER</u>	<u>✓</u>				
<u>MOSES</u>	<u>✓</u>				
<u>NUCKOLS</u>	<u>✓</u>				
<u>SCHMIDT, D.</u>	<u>✓</u>				
<u>SCHIMDT, V.</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 5-10-77

Charles W. Blitzenauer
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 5-77-77 on the 10th day of May, 1977.
ATTEST: (SEAL)

Charles W. Blitzenauer John Nuckles
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1977, at the hour of 4:30 o'clock P M., E.S.T.

Charles W. Blitzenauer
CITY CLERK

Approved and signed by me this 20th day of May, 1977,
at the hour of 8:15 o'clock A. M., E.S.T.

Rabert J. Lummelhong
MAYOR

Bill No. S-77-04-23

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance authorizing the sale and execution of a deed to Ellison Bakery, Inc., of certain real estate owned by the City of Fort Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Do PASS.

WILLIAM T. HINGA - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

PAUL M. BURNS

FREDRICK HUNTER

5-10-77 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

ROSS A. LA MAR & SONS

Realtors

301 COMMERCE BUILDING
Telephone 742-7341 Area Code 219
FORT WAYNE, INDIANA 46802

REPORT OF APPRAISAL

MADE FOR Board of Aviation Commissioners
Baer Field, Fort Wayne, Indiana

LOCATION: Ferguson Road
Baer Field, Fort Wayne, Indiana

LEGAL DESCRIPTION: See attached survey.

PURPOSE OF APPRAISAL

To estimate and give an opinion of the fair market value of the property in fee simple as of this date.

"Market Value is defined as the highest price estimated in terms of money which a property will bring if exposed for sale in the open market, allowing a reasonable time to find a purchaser who buys with knowledge of all the uses to which it is adapted and for which it is capable of being used."

OPINION OF VALUE

Appraised Value - Land	\$ 5,850.00
Appraised Value - Improvements	\$.00
Estimated Fair Market Value	\$ 5,850.00

ASSUMPTIONS AND LIMITING CONDITIONS

No responsibility is assumed for matters legal in character. It is assumed that the legal description furnished is correct and that the title to the real estate is good and merchantable. Existing liens and encumbrances, if any, have been disregarded in this appraisal, and the property has been appraised as though free and clear.

No responsibility is assumed for the accuracy of information furnished by others, although such information has been confirmed where possible and is believed to be reliable.

Possession of this report does not carry with it the right of publication nor may it be used for any purpose by any one except to whom it is addressed except with the previous written consent of the appraiser and the client. The appraiser shall not be required to give testimony or to appear in any Court by reason of this appraisal without previous arrangements having been made therefor.

CERTIFICATION

I hereby certify that I have made a personal inspection of this property and an analysis of all the discoverable factors effecting its value. I further certify that I have no present or contemplated future personal interest in the property and that neither the employment to make the appraisal, nor the compensation is contingent on the value of the property.

(Over for Remarks)

DATE March 23, 1977.

Richard R. LaMar
Richard R. LaMar

Adam A. LaMar
Adam A. LaMar

Kenneth R. Zent
Kenneth R. Zent

REMARKS:

The property under appraisement is a 15 ft. wide strip of land fronting on the Ferguson Rd. and adjoining the property of the Ellison Bakery on the east. The land extends northward to the centerline of "C" Street, a distance of approximately $679\frac{1}{2}$ ft. , with a total of 0.234 acres, more or less.

Said land is being appraised so that the above mentioned Ellison Bakery can build an addition to their present building and remain within the existing sideline and zoning restrictions in the area.

It is the further opinion of the appraisers that the sale of this strip of land in no way diminishes the value of the remaining vacant land to the east of said Ellison Bakery, or its future marketability.

CERTIFICATE OF SURVEY

No. 6112

OFFICE OF WILLIAM A. DARLING
Fort Wayne, Indiana

Registered Land Surveyor No. 9905

This document is a record of a survey of real estate made in accordance with the deed, records and recorded plats thereof on file in the Office of the County Recorder. The real estate described below exists in full dimension as hereon noted in feet, and is free from encroachments by adjoining land owners, and furthermore, contains entirely within its boundaries the buildings and structures situated thereon; all as indicated below. Any exceptions or discrepancies found to exist are noted in detail hereon.

DESCRIPTION OF PROPERTY:-

A tract of the Southeast Quarter of the Southeast Quarter of Section 5, Township 29 North, Range 12 East, in Allen County, Indiana: commencing at the southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 5; thence North 89 degrees and 8 minutes West, a distance of 1050.0 feet, along the south line of the Southeast Quarter of the Southeast Quarter of said Section 5, which is the centerline of Ferguson Road, to a point, for the point of beginning; thence North 1 degree and 41 minutes West, a distance of 679.3 feet, to the centerline of "C" Street; thence North 89 degrees and 11 minutes East, a distance of 15.0 feet, along the centerline of said "C" Street; thence South 1 degree 41 minutes East, a distance of 679.6 feet, to the centerline of said Ferguson Road; thence South 89 degrees and 8 minutes West, a distance of 15.0 feet, along the centerline of said Ferguson Road to the point of beginning; the area of which is 0.234 Acres more or less, subject to rights of way along Ferguson Road and "C" Street.

1050.0' N.89°11'W.~15.0'

C "C" STREET
25' RIGHT-OF-WAYWEST LINE SE $\frac{1}{4}$, SE $\frac{1}{4}$, SEC. 5, T.29 N, R.I2E.N. 1° 41' W. 679.3'
S. 1° 41' E. 679.6'

N

30' RIGHT-OF-WAY

C FERGUSON

S. LINE SE $\frac{1}{4}$, SE $\frac{1}{4}$, SEC. 5, T.29 N, R.I2E.

1050.0' S 89°08'W.~15.0'

SW. CORNER SE $\frac{1}{4}$, SE $\frac{1}{4}$, SEC. 5, T.29 N, R.I2E.

IN WITNESS WHEREOF, I have placed my hand and
seal this 19th day of February 1977